

REMARKS

I. Present Status of Patent Application

Applicants received a Notice of Allowance, mailed on March 21, 2005. The allowed claims are 4-6, 8-11, 15, and 16, of which claims 11 and 16 are independent claims. The claims are allowed based on the after final amendments received on March 4, 2005 by the United States Patent and Trademark Office. Applicants respectfully submit that independent claims 11 and 16 have been amended in the Preliminary Amendment and claims 19-20 are newly added. Applicants respectfully believe that the pending claims are allowable over the cited art.

The Office Action that was mailed on January 3, 2005 rejected the claims under 35 U.S.C. §103(a) as allegedly being unpatentable by *Jebe* (U.S. Patent No. 6,231,453) in view of *Schroder* (U.S. Patent No. 3,572,706). The Office Action that mailed on June 16, 2004 rejected the claims under 35 U.S.C. §102(b) as allegedly being anticipated by *Lee* (U.S. Patent No. 4,809,975).

A. Claim 11

Claim 11, as amended, recites:

A golf swing training club comprising:
a shaft;
a clubhead;
a weight coupled to the shaft, wherein the weight slides along the shaft during a golf swing; and
a release mechanism being connected to the shaft and being capable of providing tension between the weight and the shaft, the release mechanism including an adjustment member that is coupled to the weight, the release mechanism being capable of releasing the weight when a centrifugal force is applied to the club, wherein the adjustment member adjusts the tension imposed between the weight and the shaft to adjust the amount of centrifugal force needed to release the weight during the swing, wherein the weight slides down the shaft and hits the clubhead to provide feedback of a proper or improper swing.

(Emphasis Added)

Applicants respectfully assert that even with the amendments to claims 11 and 16, *Lee* and *Jebe* fail to disclose each and every feature of claim 11.

1. *Jebe* in view of *Schroder* fails to disclose a release mechanism, as recited in claim 11

Jebe apparently discloses an accelerometer device for measuring a swing imparted to a golf club and more particularly the device having an improved resetting mechanism after measuring the swing (Column 1, lines 7-13). The improved release mechanism is disclosed as follows:

“An improved release mechanism for the above known golf swing indicator comprises a cylindrical bushing [32] mounted on the first end of the elongated shaft [28], the bushing [32] having a radial cam pin [44] integral therewith, a release button [18] having a cylindrical bore arranged to slidably and rotatably receive the bushing [32], and having a cam slot [46] receiving the cam pin [44], a release button housing [50] mounted in the main housing [14] arranged to slidably receive the release button [18] and having means preventing rotation of the release button, the cam slot [46] being arranged to rotate the cam pin [44] and shaft [28] from the first shaft position to the second shaft position when the release button [18] is pushed by an operator, and a release return spring (second spring) [48] adapted to return the release button [18] when it is no longer being pushed, so as to cause the cam slot [46] to rotate the cam pin [44] and shaft [28] from the second position back to the first position.” (Column 2, lines-11-26)

In addition, *Schroder* apparently discloses in the Abstract as follows:

“A swing force indicator for use with sporting implements such as golf clubs, baseball bats and the like having a shaft and a closed tubular housing at an end of the shaft. A magnetic sleeve is disposed midway between ends of the housing and an axially movable member is magnetically attracted to the sleeve. An axially movable plunger is disposed on the other side of the sleeve, is biased away from the sleeve and is axially movable past the sleeve into engagement with the member to dislodge the member when the implement is swung with a predetermined force.”

Consequently, *Jebe* in view *Schroder* fails to disclose or teach the feature of “a release mechanism being connected to the shaft and being capable of providing tension between the weight and the shaft, the release mechanism including an adjustment member that is coupled to the weight, the release mechanism being capable of releasing the weight when a centrifugal force is applied to the club, wherein the adjustment member adjusts the tension imposed between the

weight and the shaft to adjust the amount of centrifugal force needed to release the weight during the swing,” as recited in claim 11. Accordingly, Applicants respectfully request that claim 11 be allowed over *Jebe* in view *Schroder*.

2. Lee fails to disclose a release mechanism, as recited in claim 11

Lee apparently discloses as follows:

“The exerciser includes a shaft. A weight is slidably mounted on the shaft. A golf club handle is formed at one end of the shaft and a stop is formed at the end of the shaft remote from the handle. A coil spring is mounted between the slidably mounted weight and the stop on the end of the shaft when the exerciser is swung.” (Abstract)

Nowhere does *Lee* disclose a release mechanism, as recited in claim 11. The release mechanism is connected to the shaft, provides tension to the weight, and includes an adjustment member that is coupled to the weight. The release mechanism is capable of releasing the weight when a centrifugal force is applied to the club. The adjustment member adjusts the tension to the weight to adjust the amount of centrifugal force needed to release the weight during a swing. Consequently, Applicants respectfully submit that *Lee* fails to disclose or suggest each and every feature of claim 11. Accordingly, Applicants respectfully request that claim 11 be allowed over *Lee*.

B. Claim 16

Claim 16, as amended, recites: “adjusting tension to the weight to adjust the amount of centrifugal force needed to release the weight during the swing; releasing the weight from a release mechanism during the swing when the centrifugal force is applied to the club.” As mentioned above, with reference to claim 11, Applicants respectfully submit that both *Lee* and *Jebe* in view *Schroder* fail to disclose or teach the above-quoted features of the claim 16. Accordingly, Applicants respectfully request that claim 16 be allowed over both *Lee* and *Jebe* in view *Schroder*.

C. Claims 4-6, 8-10, and 15

Because we believe that independent claims 11 and 16 are allowed over the prior art of record, dependent claims 4-6, 8-10, and 15 are allowable as a matter of law for at least the reason that the dependent claims 4-6, 8-10, and 15 contain all the elements and features of their respective independent base claims. *See, In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

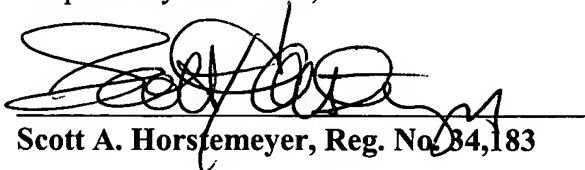
II. Newly Added Claims 19-20

Newly added claim 19 recites: “a release mechanism that inhibits movement of the weight along the shaft until a sufficient centrifugal force is applied to the club, the release mechanism enabling adjustment of an amount of centrifugal force that is needed to move the weight along the shaft during a swing of the golf club.” Newly Added claim 20 recites a “method for using a golf swing training club” that comprises the steps of: “adjusting an amount of centrifugal force that is needed to move the weight along the shaft during a swing of the golf club; swinging the club; and causing the weight to move along the shaft by applying the amount of centrifugal force to the weight by swinging the golf club, the movement indicating a proper or improper swing.” As mentioned above, with reference to claim 11, Applicants respectfully submit that both *Lee* and *Jebe* in view *Schroder* fail to disclose or teach the above-quoted features of the claims 19-20. Applicants respectfully request that claims 19-20 be allowed over both *Lee* and *Jebe* in view *Schroder*.

CONCLUSION

Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 4-6, 8-11, 15-16, and 19-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Scott A. Horstemeyer, Reg. No. 84,183

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500